**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3553 OF 2006

Iqbal Ahmed Gulam Mohammed .. Petitioner.
Vs.
Arefa W/o. Md.Anwar & Ors. .. Respondents.

Mr.Anilkumar Patil for the petitioner.
Mr.N.R.Bubna for respondent nos.1 to 7.

**CORAM : D.B.BHOSALE, J.**

**DATED : 8TH NOVEMBER, 2006**

P.C.:

. Heard learned counsel for the petitioner and respondent nos.1 to 7.

2. This petition under Article 227 of the Constitution of India is directed against the concurrent findings recorded by the courts below in the suit filed by the respondent-landlord for eviction on the ground that they require the suit premises reasonably and bonafide for their personal use and occupation. Mr.Patil, learned counsel for the petitioner assailed the judgment mainly on the ground that the landlords are rich and they have several premises of their own and requirement of the suit premises is not genuine. He further submitted that the landlords have purchased several properties just

before filing of the suit. I perused the judgments of the courts below and in particular paragraphs 16, 17, 18, 21 and 22 in the judgment of the appeal court wherein the appeal court has recorded its findings on all contentions including the one advanced before this court. It is clear that requirement of the plaintiffs and in particular plaintiff no.5 is genuine. Plaintiff no.5 is residing in the rented premises admeasuring 12 X 20 sq. ft. with his family consisting of wife, his four sons, plaintiff no.2, 6 and 7. The courts below after having taken the overall facts and circumstances of the case into consideration have recorded a categoric finding that the premises in which the plaintiffs are residing is inadequate and not suitable for their residence and that the landlord is entitle to use his premises to best suit his requirement and tenant has no say in such matter and that greater hardship would be caused to the respondent-landlord. Considering that there are concurrent findings recorded by the courts below and as I find that there is sufficient material on record to sustain those findings and considering extremely limited jurisdiction of this court under Article 227 of the Constitution of India to disturb the findings of fact I am not inclined to interfere in the petition. The writ petition, therefore, fails and is dismissed as such. At this stage Mr.Patil, learned

counsel for the petitioner prayed for sufficient time to vacate the premises. Mr.Bubna, learned counsel for the respondent fairly stated that the respondents have no objection for granting six months time subject to the petitioner filing usual undertaking in this court. In the circumstances the petitioners are granted six months time from today to vacate the suit premises subject to filing of the usual undertaking in this court within a period of four weeks form today with an advance copy of the undertaking to the advocate for the respondent. The writ petition is disposed of in the aforesaid terms.

**(D.B.Bhosale, J.)**